

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NATURAL RESOURCES DEFENSE  
COUNCIL, INC., et al.,

Plaintiffs,

v.

RICK PERRY, et al.,

Defendants.

Case No. 17-cv-03404-VC

**ORDER DENYING MOTION FOR  
STAY PENDING APPEAL**

Re: Dkt. Nos. 86, 87

The motion for a stay pending appeal is denied, because the Department and the Intervenor have not provided any support for their assertion that a "[d]enial of a stay also could harm manufacturers, as they will need to begin taking steps and incurring costs in order to comply with any new standards by the compliance date." Dkt. No. 86 at 2; *see also Lair v. Bullock*, 697 F.3d 1200, 1214 (9th Cir. 2012). Denial is without prejudice to renewing the motion in this Court within 7 days of this order if the Department or the Intervenor can make a better showing in support of this assertion. Any renewed motion must also address (1) why the harm to manufacturers is irreparable, and (2) why that harm outweighs the harms caused by further delaying the publication of these four rules. *See Lair*, 697 F.3d at 1214-15. In any event, this Court's ruling is further stayed so that the Department and the Intervenor have sufficient time to seek a stay from the Court of Appeals (and from this Court if they wish to file a renewed motion). Therefore, absent further order from this Court or from the Court of Appeals, the Department is required to submit the rules to the Federal Register for publication within 28 days of this order.

**IT IS SO ORDERED.**

Dated: March 13, 2018



VINCE CHHABRIA  
United States District Judge